

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Mirza Ali Askar, Narjis Ali Askar

Debtor(s).

Chapter 13

Case No. 15-40796

NOTICE OF MOTION

To: Mirza Ali & Narjis Ali Askar 440 Blue Heron Circle Bartlett, IL 60103
Sulaiman Law Group, LTD 900 Jorie Boulevard Suite 150 Oak Brook, IL 60523
Tom Vaughn 55 E. Monroe Street, Suite 3850 Chicago, IL 60603

PLEASE TAKE NOTICE that on May 10, 2016 at the hour of 9:30 a.m., I shall appear before the Honorable Judge Doyle, Room 742 of the U.S. Bankruptcy Court, 219 S. Dearborn, Chicago, IL and then and there move the court pursuant to the attached Motion at which time and place you may appear if you see fit.

/s/Michael Dimand
MICHAEL DIMAND

CERTIFICATE OF MAILING

I, MICHAEL DIMAND, an attorney, certify that I served the above-named respondents by placing a copy of the Motion in an envelope, correctly addressed and mailing same by regular mail, postage pre-paid in the U.S. Mail chute at 125 E. Lake St., Bloomingdale, Illinois before the hour of 5:00 p.m. on April 26, 2016.

/s/Michael Dimand
MICHAEL DIMAND

THIS COMMUNICATION IS FROM A "DEBT COLLECTOR." (15USC 1692a)

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**MOTION FOR RELIEF FROM AUTOMATIC STAY
(REAL PROPERTY)**

Deutsche Bank National Trust Company, as trustee under the pooling and servicing agreement relating to IMPAC Secured Assets Corp., Mortgage Pass- Through Certificates, Series 2007-1 (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay or in the alternative for adequate protection with respect to certain real property of the Debtor(s) having an address of 440 Blue Heron Circle, Bartlett, IL 60103 (the “Property”). The Required Statement is attached hereto as Exhibit A, in accordance with Local Rule 4001-1. In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor(s) on November 30, 2015.
2. A Chapter 13 Plan was confirmed on March 8, 2016.
3. The Debtor(s) has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note in the original principal amount of \$454,139.00 (the “Note”). A copy of the Note is attached hereto as Exhibit B. Movant is an entity entitled to enforce the Note.
4. Pursuant to that certain Mortgage (the “Mortgage”) , all obligations (collectively, the “Obligations”) of the Debtor(s) under and with respect to the Note and the Mortgage are secured by the Property. A copy of the Mortgage is attached hereto as Exhibit C.

5. All rights and remedies under the Mortgage have been assigned to the Movant pursuant to that certain assignment of mortgage, a copy of which is attached hereto as Exhibit D.

6. The Debtor(s) plan provides for surrender of the subject property.

7. As of the April 13, 2016, the outstanding amount of the Obligations is:
\$571,256.92.

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested herein, Movant has also incurred \$1,026.00 in legal fees and costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. The following chart sets forth the number and amount of postpetition payments due pursuant to the terms of the Note that have been missed by the Debtor(s)

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Delinquent
3	12/01/2015	02/01/2016	\$2,715.64	\$8,146.92
2	03/01/2016	04/01/2016	\$2,867.83	\$5,735.66
Less postpetition partial payments:			(\$0.00)	

Total: \$13,882.58

10. The estimated market value of the Property is \$475,531.00. The basis for such valuation is Debtor(s)' Schedule A and Schedule D.

11. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is \$758,595.92.

12. Cause exists for relief from the automatic stay for the following reasons:

- (a) Movant's interest in the Property is not adequately protected.
- (b) Movant's interest in the collateral is not protected by an adequate equity cushion.
- (c) The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant's interest against that decline.
- (d) Postconfirmation payments required by the confirmed plan have not been made to Movant.
- (e) The Debtor(s) plan provides for surrender of the subject property.**
- (f) Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has/have no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

- 1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
- 2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
- 4. For such other relief as the Court deems proper.

Movant further requests that upon entry of an order granting relief from stay, it be exempted from further compliance with Fed. Rule Bankr. P. 3002.1 in the instant bankruptcy case.

April 20, 2016

Respectfully submitted:

/s/Michael Dimand
MICHAEL DIMAND
Attorney for Movant

Michael Dimand
The Wirbicki Law Group LLC
Attorney for Movant
33 W. Monroe St., Suite 1140
Chicago, IL 60603
Phone: 312-360-9455
Fax: 312-572-7823
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